

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 134 of 1995

Date of decision : September 13, 2007.

Raghunath and others

.... Petitioners

versus

State of Haryana

.... Respondent

Coram : Hon'ble Mr. Justice A.N. Jindal

Present : Mr. Nand Lal Sammi, Advocate
for the petitioners.

Mr. K.S. Godara, DAG, Haryana
for the respondent.

A.N. JINDAL, J.

Assailed in this petition is the order dated 14.2.1995 passed by the learned Additional Sessions Judge, Jagadhri, dismissing the appeal against the order dated 8.1.1993 of conviction under Sections 323/325/149 IPC passed by the learned Judicial Magistrate Ist Class, Jagadhri.

In nut-shell, the facts in brief which culminated into trial against the petitioners are that on 27.9.1986 at about 7.00 AM, Rashmi Devi daughter in law of complainant-Shiv Ram (hereinafter referred to as 'the complainant'), was present in the street, Lakhvir petitioner hit her by his bicycle, as a result of which some altercation took place, which attracted complainant, his son Sohan Lal, Jee Ram and niece Karmi and the petitioner Raghunath. Raghunath inflicted fist blows on the face of the

complainant and in the meantime Jagdish Ram, Punnu Ram, Ramesh also reached at the spot and inflicted injuries to the complainant party. Raghunath and Jagdish petitioners caused injuries to the complainant with fist blows and lathi blows. Jagdish further inflicted injuries to Sohan Lal with lathi, Ramesh caused injuries to Jee Ram with lathi and Miss Karmi also received injuries at the hands of the petitioners. On the basis of the aforesaid statement Ex.PA, FIR Ex.PW11/F was registered. Investigation was commenced which was followed by a report under Section 173 Cr.P.C.

Formal charge under Sections 323/325/149 IPC was framed against the petitioners, to which they pleaded not guilty and claimed trial.

On commencement of the trial, the prosecution examined Shiv Ram (PW1), Jee Ram (PW2), Sohan Lal (PW3), Reshmi (PW4), Ranjit Singh (PW5), Surta Ram (PW6), Dr. Subhash Chand Goel (PW7), B.S. Sharma (PW8), Dr. Arun Chaudhary (PW9), Dr. R.S. Garg (PW10) and HC Avtar Singh (PW11).

When examined under Section 313 Cr.P.C. the petitioners denied all the incriminating circumstances appearing against them and pleaded their false implication in the case. However, no evidence was led in defence.

The trial ended in conviction. Appeal against the said order was also dismissed. Hence this revision petition.

Without challenging the judgment of conviction, the learned counsel for the petitioners has contended that it would not be appropriate or fair in the proper administration of justice to send the petitioners in jail after more than 20 years particularly when as per his contentions, the petitioners have not repeated any such offence till date. Moreover, they have already undergone one month and 15 days of the

substantive sentence.

Having deliberated over the aforesaid contentions, since the sword of sentence remained hanging over the head of the petitioners since the year 1986 till date and they have already suffered a lot on account of the criminal proceedings pending against them, and they have already undergone one month and fifteen days of sentence, therefore, I do not find any justification to send them again in the jail in the peculiar circumstances of the case and a lenient view deserves to be taken in their favour.

Consequently, while dismissing the revision petition, the sentence passed against the petitioners is modified to the extent that they be released on probation for a period of one year, on furnishing their personal bonds in the sum of Rs.10,000/- with one surety of the like amount each under Section 4(1) of the Probation of Offenders Act, 1958. They are directed to keep peace and be of good behaviour during this period and in case of breach of the terms of the bonds, the petitioners will be ready to serve the sentence as and when called for.

September 13, 2007
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(A.N. Jindal)
Judge

To be referred to reporter: Yes/No.